

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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	:
PHILIP PIDOT, NANCY HAWKINS and STEVEN	:
AXELMAN, individually and as representatives of	:
eligible Republican Party voters in Suffolk, Nassau and	: Civil Action No. 16-CV-859-FJS-CFH
Queens Counties within New York's Third Congressional	:
District,	:
	:
	: DECLARATION OF
Plaintiffs,	: DAVID V. SIMUNOVICH
-against-	: IN SUPPORT OF
	: <u>ORDER TO SHOW CAUSE</u>
NEW YORK STATE BOARD OF ELECTIONS;	:
SUFFOLK COUNTY BOARD OF ELECTIONS;	:
NASSAU COUNTY BOARD OF ELECTIONS; BOARD:	:
OF ELECTIONS IN THE CITY OF NEW YORK;	:
PETER KOSINSKI and DOUGLAS KELLNER, in their	:
official capacities as Commissioners and Co-Chairs of the	:
New York State Board of Elections; ANDREW J.	:
SPANO and GREGORY P. PETERSON, in their official	:
capacities as Commissioners of the New York State	:
Board of Elections; TODD D. VALENTINE and	:
ROBERT A. BREHM, in their official capacities as Co-	:
Executive Directors of the New York State Board of	:
Elections; and JACK MARTINS,	:
	:
Defendants.	:
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I, DAVID V. SIMUNOVICH, hereby declare:

1. I am an Associate at the law firm of Stroock & Stroock & Lavan LLP, counsel Plaintiffs in this action. I am familiar with the matters discussed in this Declaration. I submit this Declaration in support of Plaintiffs' request for an order to show cause and the relief requested in Plaintiffs' Complaint.

2. A copy of the sworn statement of Louis G. Savinetti, Republican Commissioner of the Nassau County Board of Elections, dated June 21, 2016, is attached hereto as **Exhibit 1**.

3. A copy of the relevant portions of the joint affidavit of Anita S. Katz, the Democratic Commissioner of the Suffolk County Board of Elections, and Nick LaLota, the Republican Commissioner of the Suffolk County Board of Elections, dated June 21, 2016, is attached hereto as **Exhibit 2**.¹

4. A copy of the Notice of Voluntary Dismissal, filed in Pidot v. N.Y.S. Bd. of Elections, No. 16-CV-3527-JFB-ARL (E.D.N.Y.) on July 15, 2016, is attached hereto as **Exhibit 3**.

5. A copy of the docket sheet for Pidot v. N.Y.S. Bd. of Elections, No. 16-CV-3527-JFB-ARL (E.D.N.Y.), current as of July 20, 2016, is attached hereto as **Exhibit 4**.

6. A copy of the relevant portions of a transcript of proceedings in Matter of Macedo v. Pidot, Index No. 3124/2016 and Matter of Pidot v. Macedo, Index No. 3448/16, dated June 21, 2016, is attached hereto as **Exhibit 5**.

7. A copy of the “Brief on Appeal / Cross Appeal for Respondents Macedo, Donno & Lobato,” dated July 13, 2016, and submitted to the New York State Supreme Court, Appellate Division, Second Department in Matter of Macedo v. Pidot, Index No. 3124/2016 and Matter of Pidot v. Macedo, Index No. 16-3448, is attached hereto as **Exhibit 6**.

8. A copy of the “Brief of Petitioner-Appellant Philip Pidot,” dated July 11, 2016, and submitted to the New York State Supreme Court, Appellate Division, Second Department in Matter of Pidot v. Macedo, Index No. 2016-3448 and Matter of Macedo v. Pidot, Index No. 3124/2016, is attached hereto as **Exhibit 7**.

¹ Stroock & Stroock & Lavan LLP was retained as counsel by Pidot after the proceedings in the Supreme Court, Nassau County in which the joint affidavit of Ms. Katz and Mr. LaLota was submitted. Exhibit 2 is an incomplete copy of the affidavit—it appears to be missing pages 2 and 4. The document which is attached hereto as Exhibit 2 is the only copy Stroock received from Pidot’s predecessor counsel.

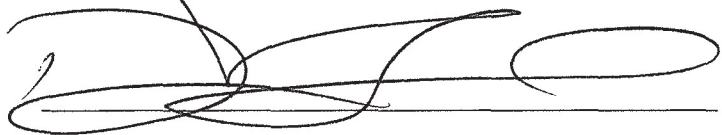
9. A copy of the Federal Voting Assistance Program's "Guidance on Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Ballot Delivery Waivers," dated February 7, 2012, is attached hereto as **Exhibit 8**.

10. A copy of the Decision & Order, dated July 21, 2016, issued by the Supreme Court, Appellate Division, Second Department in Matter of Pidot v. Macedo, Index No. 3124/16, and Matter of Macedo v. Pidot, Index No. 3448/16, is attached hereto as **Exhibit 9**.

11. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
July 21, 2016

EXECUTED:

A handwritten signature in black ink, appearing to read "David V. Simunovich", written over a horizontal line.

DAVID V. SIMUNOVICH